

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, the claims have been amended in response to the Examiner's requirement (item 3 on page 3 of the Office Action) to cancel non-elected subject matter. That is, amended claim 11 now limits the definition for R¹ to that set forth in section (A). In doing so, Applicants emphasize that they retain their rights under 35 U.S.C. §121 to file a divisional application for the subject matter deleted from claim 1, in sections (B), (C), (D), (E) and (F).

In item 3, the Examiner states that Applicants have to also limit the definition for Q. However, the only definition for Q in claim 11 is that it "is absent", as indicated below the definition for U in claim 11.

In items 6 and 7 on pages 4-5 of the Office Action, the Examiner sets forth provisional obviousness-type double patenting rejections of claims 11-22 based on claims 21-33 of Serial No. 11/887,227, and claims 9-20 of Serial No. 12/076,221. The Examiner is kindly requested to hold these double patenting rejections in abeyance, pending an indication that the claims of the present application are otherwise in condition for allowance.

In response to the rejection of claim 20 under the first paragraph of 35 U.S.C. §112 in item 8, this claim has been amended to delete the "prevention" embodiment, as well as the reference to heart failure and kidney failure, thus rendering this rejection moot.

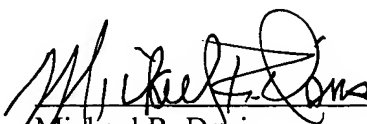
In response to the rejection of claim 21 under the second paragraph of 35 U.S.C. §112 in item 9, this claim has been amended to refer to a pharmaceutical preparation, rather than a medicament, thus rendering the rejection of claim 21 moot.

Claim 22 has been cancelled, rendering the rejection of this claim under the second paragraph of 35 U.S.C. §112 moot.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Peter HEROLD et al.

By: 
Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/pth
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
April 6, 2009